

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8
9
10 HOLLY RYDMAN,

11 Plaintiff,

12 v.

13 CHAMPION PETFOODS USA, INC.,

14 Defendant.

15 C18-1578 TSZ

16 MINUTE ORDER

17 The following Minute Order is made by direction of the Court, the Honorable
18 Thomas S. Zilly, United States District Judge:

19 (1) Plaintiff's motions in limine, docket no. 159, are GRANTED, DENIED, or
20 DEFERRED as follows.

21 I. Plaintiff's motion to prohibit Defendant's employees or other
22 witnesses from testifying regarding their interpretation of laws and regulations,
23 including AAFCO Guidance, or whether defendant adhered to any of the same, is
 GRANTED in part and DEFERRED in part. The motion is GRANTED as to
 interpretation of law. The motion is otherwise DEFERRED to the pretrial
 conference.

24 II. Plaintiff's motion to exclude evidence ((a) disputed demonstrative
25 exhibits, (b) any demonstrative exhibit comparing ingredient panels, and (c) the
26 ACANA dog food bag and related testimony) Defendant did not previously
27 disclose or produce is DEFERRED to the pretrial conference. The parties are
28 DIRECTED to bring their disputed exhibits to the pretrial conference.

29 III. Plaintiff's motion to exclude evidence concerning traceability to
30 plaintiff's purchases is DENIED. The evidence is relevant to causation and

1 “injury” under the CPA. This case involves claims of misrepresentation and
2 omission. The Court DEFERS to the pretrial conference on any limiting
3 instruction regarding traceability.

4 (2) Defendant’s motions in limine, docket no. 160, are GRANTED, DENIED,
5 or DEFERRED as follows.

6 A. Defendant’s motion to exclude evidence of the sale or potential sale
7 of Champion is GRANTED. The evidence is not relevant and would also be
8 precluded under Rule 403.

9 B. Defendant’s motion to exclude evidence regarding Champion’s
10 overall profits or revenues is DEFERRED to the pretrial conference.

11 C. Defendant’s motion to exclude evidence regarding heavy metals,
12 pentobarbital, toxins, and contaminants is DEFERRED to the pretrial conference.
13 Defendant shall file a supplemental brief, not to exceed three (3) pages, on the
14 Rule 404(b)(2) issues raised in the motion by March 20, 2024. No reply shall be
15 filed.

16 D. Defendant’s motion to exclude evidence of unimplemented
17 marketing ideas is GRANTED.

18 E. Defendant’s motion to exclude Stefan Boedeker’s Expectation
19 Survey pursuant to FRE 403 is DENIED. See Order (docket no. 144) (denying
20 defendant’s motion to exclude this witness).

21 F. Defendant’s motion to exclude evidence regarding isolated quality
22 assurance incidents is DEFERRED to the pretrial conference.

23 G. Defendant’s motion to exclude evidence or argument that packaging
24 statements not at-issue are false, deceptive, or misleading is GRANTED.

25 H. Defendant’s motion to exclude certain evidence regarding the use of
26 alleged regrinds, non-fresh, and non-regional ingredients is GRANTED as to
27 regrind exhibits (docket no. 129-41) and two exhibits concerning diets Plaintiff did
28 not purchase. Defendant’s motion as to references to China is DEFERRED to the
29 pretrial conference. The evidence that defendant included ingredients from China
30 may be relevant to plaintiff’s “regional” claim.

31 I. Defendant’s motion to exclude references to post-litigation
32 packaging labels is GRANTED. Such labels are not relevant and are also
33 excluded under Rule 403.

1 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
2 record.

3 Dated this 15th day of March, 2024.

4 Ravi Subramanian
5 Clerk

6 s/Laurie Cuaresma
7 Deputy Clerk